

REMARKS

Applicant thanks the Examiner for the indication of allowable subject matter and for conducting the kind and courteous interview with Applicant's representative on September 3, 2003. The discussion served to further prosecution and the Examiner's comments were carefully considered and are reflected in the amendments and remarks contained herewith.

Claims 16-17, 23-25, 27, 30-31, and 33-53 are pending.

Claims 23-25, 34-44, and 47-50 are amended.

Claims 54-96 are added.

Support for the amendment to the claims is found on page 8, second full paragraph; page 19, second full paragraph; and page 34, line 2; and throughout the specification as originally filed. Therefore, upon entry of the amendment no new matter is believed to be added.

Upon entry of the amendment claims 23-25, 34-44, 47-50, and 54-96 will be active.

The rejection of claims 23, 45, 46, and 51 under 35 U.S.C. § 112, first and second paragraphs, is obviated by amendment.

The rejection of claims 23, 30, 31, 33, and 51-53 under 35 U.S.C. § 102(e) in view of Kania (US 5,603,122) is obviated by amendment.

It is requested that the Examiner withdraw this rejection.

The rejection of the claimed invention as being anticipated by [35 U.S.C. § 102(b)], or in the alternative obvious [35 U.S.C. § 103(a)] in view of, Lerman (US 4635626) is obviated by amendment.

Lerman describes a temporary stump sock with a **stitched seam** (Fig. 2, 24) that is composed of several layers (Figures 4 and 7). While one of the layers, the "base layer" (Fig. 4, 32; Fig. 6, 52), may be open-celled (col. 3, ll. 61-64) or close-celled (col. 5, ll. 20-23), this layer does not contact the skin of the amputee. Rather, a fabric that is capable of "breathing"

– preferably "velour" (col. 4, ll. 1-2) – makes contact with the skin of the amputee.

Therefore, it is envisioned that Lerman's stump sock would not create a substantially air-tight seal on the limbo of a wearer when donned. Given the fact that Lerman does not describe all of the claimed elements, it is requested that the Examiner withdraw this rejection in view of the amendment and the following comments.

Lerman's stump sock is composed of five layers of material (Figures 4 and 7): (1) an outer layer, which is preferably made of tricot (Fig. 4, 38; col. 4, ll. 9-10), (2) a base layer (Fig. 4, 32; col. 3 ll. 53-66), which is open-celled (col. 3, ll. 61-64) or close-celled (col. 5, ll. 20-23), (3) a porous inner layer that is capable of breathing that makes contact with the skin and is preferably made of "velour" (Fig. 4, 34; col. 4, ll. -2), and (4) two adhesive layers (Fig. 4, 36 and 40; col. 4, ll. 25-29) that resides on either side of the base layer.

This is in contrast to the claimed invention in which the substantially airtight polymeric cushioning material contacts the skin when worn by the user. Thus, Lerman's disclosure does not anticipate the claimed invention and it is requested that the Examiner withdraw these rejection.

It is noted that there is adequate support in the specification, as originally filed, for the terminology "substantially air-tight," Applicants enclose herewith a Declaration under 37 § 1.132 by Mr. Bruce G. Kania, an amputee, who is a co-inventor of the above-identified application, which provides further support that tube-shaped coverings of the above-identified application are configured to form a substantially air-tight seal on the limb of a wearer when donned.

When donned by a wearer, the tube-shaped covering serves to minimize embarrassing noises. These noises can be likened to those made by a whoopee cushion. Imagine the relief that an amputee experiences when they can ambulate without making such embarrassing

noises. This aspect, in and of itself, serves a welcome relief to the amputee community-at-large, and is the basis of a superior product.

Accordingly, it is noted that Lerman's disclosure fails to render the claim invention obvious. Why? This reference underscores the importance of providing a porous material (or a material that breathes) against the skin. Who would have thought that you could contact the skin with a tube-shaped covering comprising a polymeric material, which is configured to form a substantially air-tight seal on the limb of a wearer when donned, and create a superior product? No one – this is what makes the claimed invention so unique. Given that this aspect of the invention is counter-intuitive in view of the cited reference, there can be no issue of obviousness. Thus, it is requested that the Examiner remove all obviousness rejections.

Accordingly, it is believed that the pending claims are free from all rejections and are distinguishable from all of the cited references; and are in a condition for allowance. An early and favorable indication of the same is earnestly requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



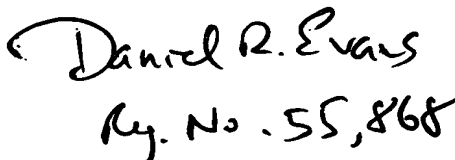
Richard L. Treanor  
Attorney of Record  
Registration No. 36,379

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413-2220



Ry. No. 55,868